

Lorie E. Almon
Mary E. Ahrens
SEYFARTH SHAW LLP
620 Eighth Avenue
New York, New York 10018
Telephone: (212) 218-5500
Facsimile: (212) 218-5526

Kristen G. McGurn
SEYFARTH SHAW LLP
Two Seaport Lane, Suite 300
Boston, Massachusetts 02210
Telephone: (617) 946-4800
Facsimile: (617) 946-4801

Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

| | |
|--|--------------------------------|
| ----- | X |
| NELLIE SAMPSON and TIMOTHY GILL, on behalf of | : |
| themselves and all other employees similarly situated, | : |
| | : |
| Plaintiffs, | : 10-cv-1342 (SJF)(ARL) |
| | : |
| -against- | : ECF Case |
| | : |
| THE JAMAICA HOSPITAL MEDICAL CENTER and | : |
| THE BROOKDALE HOSPITAL MEDICAL CENTER | : |
| D/B/A BROOKDALE UNIVERSITY HOSPITAL AND | : |
| MEDICAL CENTER, | : |
| | : |
| Defendants. | : |
| ----- | X |

**NOTICE OF MOTION TO DISMISS PLAINTIFFS' THIRD AMENDED COMPLAINT,
STRIKE THE CLASS/COLLECTIVE ALLEGATIONS AND STAY PROCEEDINGS**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiffs' Third Amended Complaint, Strike the Class/Collective Allegations and Stay Proceedings, and the Declaration of Lorie E. Almon, Esq., together with Exhibits A through B, The Jamaica Hospital Medical Center and The Brookdale Hospital Medical Center d/b/a Brookdale University Hospital and Medical Center (collectively

“Defendants”) will move this Court on a date and time to be set by the Court, before the Honorable Sandra J. Feuerstein, United States District Judge, at the United States Courthouse, 100 Federal Plaza, Courtroom 1010, Central Islip, New York 11722 for an Order pursuant to Rules 12(b)(6) and 12(f) of the Federal Rules of Civil Procedure granting Defendants’ Motion to Dismiss Plaintiffs’ Third Amended Complaint, Strike the Class/Collective Allegations and Stay Proceedings.

Dated: New York, New York
September 14, 2012

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Lorie E. Almon
Lorie E. Almon
lalmon@seyfarth.com
Mary E. Ahrens
mahrens@seyfarth.com
620 Eighth Avenue
New York, New York 10018
(212) 218-5500

Kristin G. McGurn
kmcgurn@seyfarth.com
Two Seaport Lane, Suite 300
Boston, Massachusetts 02210
(617) 946-4800

Attorneys for Defendants

TO: J. Nelson Thomas, Esq.
Michael J. Lingle, Esq.
Jessica L. Witenko, Esq.
Thomas & Solomon LLP
693 East Avenue
Rochester, New York 14607
Telephone: (585) 272-0540

Attorneys for Plaintiffs